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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Fifty-second session

SUMMARY RECORD OF THE 23rd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 16 August 2000, at 10 a.m.

Chairperson: Ms. MOTOC

later: Mr. RODRIGUEZ CUADROS
(Vice-Chairperson)
later: Ms. MOTOC
(Chairperson)

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FREEDOM OF MOVEMENT:

(a) THE RIGHT TO LEAVE ANY COUNTRY, INCLUDING ONE'S OWN, AND TO RETURN TO ONE'S OWN COUNTRY, AND THE RIGHT TO SEEK ASYLUM FROM PERSECUTION;

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The meeting was called to order at 10 a.m.

FREEDOM OF MOVEMENT:

(a) THE RIGHT TO LEAVE ANY COUNTRY, INCLUDING ONE'S OWN, AND TO RETURN TO ONE'S OWN COUNTRY, AND THE RIGHT TO SEEK ASYLUM FROM PERSECUTION;

(b) HUMAN RIGHTS AND POPULATION DISPLACEMENTS (agenda item 10) (continued)

1. Mr. TANDAR (Observer for Afghanistan) said that for more than 20 years his country had been in the grip of a war imposed by foreign Powers. In 1994, after the withdrawal of Soviet troops, another foreign Power had spawned the most fanatical group known to the world, the Taliban militia, which practised what the Secretary-General of the United Nations had called a "scorched earth policy". During the Taliban offensive in the previous summer on the Shamali Plains north of Kabul, over 100,000 villagers had been forced to leave their villages, as reported by the Special Rapporteur on the situation of human rights in Afghanistan. Even as he spoke, a Taliban offensive, supported by Pakistan, was under way in the north-eastern part of the country. Over 150,000 people, mostly women and children, had been displaced in the mountains and a humanitarian catastrophe was unfolding. The Sub-Commission should demand that Pakistan stop interfering in Afghanistan and end all forms of support to the fascist Taliban.

2. Mr. MUSAYEV (Observer for Azerbaijan) said that Azerbaijan had one of the largest populations of displaced persons in the world, with approximately one person out of eight being an internally displaced person or refugee. The Security Council, in one of its resolutions, had called for unimpeded access for international humanitarian relief efforts in order to alleviate the sufferings of the civilian population. The General Assembly had also adopted a resolution on emergency international assistance to refugees and displaced persons in Azerbaijan (48/114, of 20 December 1993). The representative of the Secretary-General on internally displaced persons had submitted his report on his visit to Azerbaijan at the fifty-fifth session of the Commission on Human Rights. However, the Azerbaijani Government regretted that the international community no longer gave the issue high priority. A constant flow of humanitarian relief was necessary if long-term development projects were to be pursued. The Azerbaijani Government considered the support of the Office of the United Nations High Commissioner for Refugees (UNHCR) very important and encouraged it to continue its work in the country. There was no doubt that the return of refugees and displaced persons to their area of origin was the only possible solution. The Sub-Commission should continue to consider the issue and should urge all States to ensure that all refugees and displaced persons enjoyed the right to return to their home.

3. Mr. EKANAYAKE (Observer for Sri Lanka), making a statement equivalent to a right of reply, issued a formal denial of the claims made the day before by the representative of Interfaith International. The latter had omitted to mention that the displacement of populations in Sri Lanka was due to ethnic cleansing by the Liberation Tigers of Tamil Eelam (LTTE) and a massive terrorist onslaught using child soldiers and illicitly smuggled weapons. Between January and June 2000, his Government had sent 27,500 tons of foodstuffs to the regions

concerned. In the past two years, it had spent over 2 billion Sri Lanka rupees on food supplies, much of which had been consumed by the LTTE. The speaker's talk of an embargo was all the more bewildering as none of the international organizations present in Sri Lanka had made any reference to an embargo on foodstuffs. The only hindrance to the efforts by the Sri Lankan authorities to supply the population was the recent bombing by an LTTE terrorist squad of ships carrying supplies to the northern Jaffna Peninsula. He pointed out that Mr. Deng, the representative of the Secretary-General on internally displaced persons, in his report on his visit to Sri Lanka (E/CN.4/1994/44/Add.1), had given a generally positive assessment of the Sri Lankan Government's response to the problem of internally displaced persons in the country. His Government was trying, in an open and humane manner and at great cost, to deal with the problems arising from the conflict with the LTTE, which had led to massive population displacements, and was doing so despite the propaganda unleashed by a terrorist group that turned down any peaceful solution.

4. Ms. MBONU said it was unfortunate that the Sub-Commission had not taken a decision on the question of appointing a special rapporteur to undertake a study on the right to leave a country, to enter another country without discrimination and to be granted asylum.

5. She thanked the UNHCR representative for the valuable information she had provided on the subject. Whatever the reason for which refugees and asylum-seekers were forced to leave their country, they should be granted asylum under international law, international human rights instruments and the 1951 Convention relating to the Status of Refugees. The principle of non-refoulement obliged States to take in refugees and asylum-seekers whose lives were in peril. In the host country, however, they were often subjected to inhuman treatment by law-enforcement officials. The arbitrary detention and torture of asylum-seekers must be unequivocally condemned. Expressions of hostility, xenophobia and discrimination against asylum-seekers and refugees were a source of great concern. The Sub-Commission should remind States that they had obligations to meet with regard to refugees and displaced persons and that those people must be treated with respect. It would also be desirable, within the context of the preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, for the Sub-Commission to include issues concerning asylum-seekers and refugees in the working paper it would submit to the Conference, as proposed by the UNHCR representative. She also called on Mr. Pinheiro to include questions on those population groups in his report.

6. Ms. HAMPSON raised the question of the status of displaced persons who had crossed international borders. The type of decision-making body that should deal with the question and the principles and criteria it would apply had to be determined. By way of example, she cited the case of the persons allegedly of Bhutanese origin who were living in Nepal.

7. The case concerning the Ilois was currently before the British courts. The Chagos islands had remained under British rule after Mauritius gained its independence and were known as the British Indian Ocean Territory. The United States Government had then concluded an agreement with the British Government with a view to establishing an airbase on the main island in the territory, Diego Garcia, but without the local population living on the island. All the Ilois had therefore been driven out of the territory, forced to settle in Mauritius and never allowed to return by the United States Government. She hoped that the problem would be settled quickly

but, so far, the United States had opposed the return of the Ilois, including to Peros Banhos and Salomon, two islands that were in fact uninhabited, even though the return of the Ilois to their original lands was considered quite viable.

8. Estimates of the number of persons displaced in Turkey varied from 360,000 to about 3 million depending on the source. According to the Turkish Government, they had left their homes voluntarily or been driven out by the Kurdish Workers Party (PKK). However, the Turkish Government omitted to mention that in some cases the security forces had set fire to villagers' homes to make them leave. That was the conclusion reached by the European Commission of Human Rights after hearing witnesses in Turkey. With regard to resettlement in the villages, the Turkish Government authorized people who had been living together to remain together but did not necessarily give them the right to return to their villages. Under those conditions, one could not talk of a genuine right to return. The villagers must have the right to return to their homes, since there were no longer any security reasons to prevent them from doing so. The problem was a worldwide one. East Timor, Palestine, Bosnia and Herzegovina and Kosovo provided other examples. The Sub-Commission had affirmed on two occasions the right of refugees and displaced persons to return to their country or place of origin. The situation was of such gravity that she suggested that the members of the Sub-Commisison should adopt another resolution dealing in more detail with the right to return.

9. Mr. SIK YUEN welcomed the statement by Ms. Hampson on the question of the Ilois. There was information to the effect that some 577 families totalling some 2,425 persons had been displaced from the Chagos islands to Mauritius between 1965 and 1972. Prior to 1968, the General Assembly of the United Nations had adopted a number of resolutions emphasizing that the detachment of the Chagos islands from Mauritius was in contravention of the Declaration on the Granting of Independence to Colonial Countries and Peoples. A group of Ilois claiming the right to return to the Chagos islands had taken the case, which had been covered by the media, to the High Court of Justice in London. The British authorities had undertaken to return the Chagos islands to Mauritius when they were no longer used for defence purposes. However, as there had been no change in the situation, in July 2000 the Organization of African Unity (OAU) had insisted that the Chagos islands should be returned to the Republic of Mauritius without delay and that the British authorities and the Mauritian Government should enter into a constructive dialogue on the subject. The case of the displaced Ilois population, whose right to return was still being denied, was a human tragedy that deserved the attention of the Sub-Commission. He cited the decision in Sub-Commission resolution 1994/24 to keep under constant review respect for the right to freedom of movement.

10. Mr. ORELLANA (Latin American Association for Human Rights - ALDHU) said that the forced displacement of many indigenous peoples in Colombia was fraught with consequences for them as it involved breaking the very close ties they had with their lands. ALDHU had collected evidence of the forced displacement of indigenous communities to Venezuela, Brazil and Ecuador. Those communities were in danger of losing their cultural identity. In the department of Antioquia, 660 indigenous people had been displaced in one year. Three months earlier, 300 other indigenous people had been forced by the army to leave their land in the department of Chocó, leaving everything behind them.

11. ALDHU and the Organization of Indigenous Peoples of the Colombian Amazon Region requested the Sub-Commission to send an urgent mission to Colombia to observe the terrible plight of indigenous peoples, who were threatened with extinction by starvation, threats, forced displacements and the fighting on their lands.

12. The CHAIRPERSON invited Government observers who wished to make a statement equivalent to a right to reply to do so.

13. Mr. MERIÇ (Observer for Turkey) said he found it difficult to understand why Ms. Hampson should be so obsessed with the question of displaced persons. In his statement under agenda item 2, he had given information on the measures taken by the Turkish Government to enable those persons to return to their villages as quickly as possible.

14. He also pointed out that the Turkish Government had officially invited the representative of the Secretary-General on internally displaced persons to visit Turkey.

15. He insisted that Turkey was fully discharging its international obligations in the matter. Lastly, he asked why Ms. Hampson felt she had to list in detail all the cases concerning Turkey that were before the European Court of Human Rights.

16. Mr. BENTALL (Observer for the United Kingdom) said that as the case mentioned by Ms. Hampson and Mr. Sik Yuen was currently before the British courts, he could not go into details about the issues raised. However, he wished to make it clear that the British Government did not share Ms. Hampson's views, in terms of either the historical facts or the legal issues. Furthermore, her reading of what was only a preliminary study of the feasibility of resettlement in the Chagos islands, was, to say the least, simplistic. She had not taken into account the analysis showing that no firm conclusion could yet be drawn on the feasibility of resettlement in an environment of limited natural and other resources.

17. In reply to Mr. Sik Yuen's comments, he reaffirmed that the Government of the United Kingdom had not the slightest doubt about its sovereignty over the British Indian Ocean Territory, which had been ceded to the United Kingdom by France in 1914.

18. Mr. BAICHOO (Observer for Mauritius) said that his delegation had taken note of Ms. Hampson's statement and shared her concerns about the plight of displaced persons and the fact that they were denied the right to return to their home. However, he wished to stress a number of points: while the Chagos Archipelago had always been an integral part of the territory of Mauritius, the inhabitants of those islands had been forcibly displaced by the Government of the United Kingdom and prevented from returning to that part of Mauritian Territory. The Ilois had always been Mauritian citizens and, as such, had always lived in Mauritius. The Mauritian Constitution stipulated that Mauritius consisted of the islands of Mauritius, Rodrigues, Agalega, Tromelin, Cargados Carajos and the Chagos islands, including Diego Garcia and any other island that was part of the State of Mauritius. The Chagos Archipelago had been unlawfully detached from Mauritius in contravention of General Assembly resolutions 1514 (XV), 2066 (XX), 2232 (XXI) and 2357 (XXII). Since then, the Mauritian Government had consistently pressed the United Kingdom Government for the early and unconditional return of the Chagos Archipelago to Mauritius. The United Kingdom

Government had stated in official communications that the Chagos Archipelago would be returned to Mauritius when it was no longer required for defence purposes. As far as he knew, the cold war was over. At the OAU summit held in Lomé from 10 to 12 July 2000, African Heads of State had adopted a decision urging the early return of the Chagos Archipelago to Mauritius. Moreover, the payments supposedly made as compensation, in the form of either grants for development projects or payments into the Ilois Trust Fund, could in no way be construed as compensating the Ilois for the harm they had suffered. Those payments were insignificant in comparison with the benefits which had accrued, directly or indirectly, to the British Government from agreements reached with third parties. Furthermore, those payments did not call into question the sovereignty of Mauritius over the islands. Lastly, the Mauritian Government, as the legal representative of all Mauritian citizens, favoured an early resolution of the issue on a bilateral basis. While awaiting a settlement, it urged the United Kingdom to authorize the return of displaced persons to the Chagos Archipelago.

SITUATION REGARDING THE PROMOTION, FULL REALIZATION AND PROTECTION OF THE RIGHTS OF CHILDREN AND YOUTH (agenda item 11)

19. Mr. SRARFI (Organisation nationale de l'enfance tunisienne) said that it was a great honour for him to address the Sub-Commission for the first time since his organization had been granted consultative status with the Economic and Social Council. His organization, which had recently celebrated its fifty-second anniversary, was dedicated to the education and welfare of Tunisian children and to promoting understanding and friendship among all the world's children, including through the International Federation for Educational Exchanges of Children and Adolescents. He appealed for new ways to be found to publicize the rights of the child, in order to clarify the contents of the Convention on the Rights of the Child and ensure the Convention was better observed. He also called for the lifting of all obstacles restricting the right of children to travel in organized groups and to establish friendships outside the borders of their country. He hoped that adults throughout the world would respect children, whatever their origin or the colour of their skin; all the world's children needed to feel respected.

20. Mr. SONI (Himalayan Research and Cultural Foundation) said that a decade after the adoption of the Convention on the Rights of the Child, those rights were being violated on a massive scale. The violations were particularly serious (conscription, mutilation, rape, etc.) where there were armed conflicts, as had been pointed out by the Special Representative of the Secretary-General for Children and Armed Conflicts, Mr. Olara Otunnu, in his various reports. The Security Council, in its resolution 1261 (1999) on children affected by armed conflicts, had called for measures to protect children, in particular girls, and for international cooperation in combating illegal arms flows. It was high time that the international community implemented that resolution.

21. In the Indian State of Jammu and Kashmir, Islamic extremists and mercenaries were abducting, raping and slaughtering children, forcing them to bear arms and even to carry out suicide attacks. For example, in April 2000, a schoolboy, Afaq Ahmad Shah, who had been recruited by the Jaish-e-Mohammadi terrorist group, had carried out a suicide attack in Srinagar in a car packed with explosives. Such terrorists thought nothing of destroying schools in order to deprive children of a modern education. They forced the children to follow courses in religious education given by obscurantist extremist organizations preaching hatred and intolerance.

22. Urgent attention should also be given to access to education, health and employment by orphans from the Hindu and Sikh minorities in Jammu and Kashmir whose parents had been murdered by Islamic terrorists in the name of jihad.

23. He urged the Sub-Commission to take effective measures to halt the atrocities inflicted on innocent children and to condemn the States harbouring, training and arming fighters to sow terror in other countries.

24. Ms. SPALDING (World Federation for Mental Health) said that it was the time of year when around 2,000 young people attended the Youth Empowerment Summit (YES!) in Geneva. At their latest summit, they had drafted a resolution in which they requested the Sub-Commission to urge the Commission on Human Rights and the Secretary-General to really involve young people from all over the world in the work of the United Nations working groups, human rights bodies and General Assembly. They also requested that youth representatives should be selected by their respective Governments, tribal organizations or non-governmental organizations (NGOs). They urged the Sub-Commission to recommend that the Commission on Human Rights, the Economic and Social Council and the Secretary-General should take steps to allow more young people to benefit from the various United Nations fellowship programmes; to develop and better implement mentoring programmes in which United Nations officials and/or NGO representatives trained young people to act effectively within United Nations bodies; to involve young people more closely in the promotion and protection of human rights; and to recommend that the international community should cooperate more fully on environmental, social and sustainable development programmes. They also recommended that the Kyoto Protocol should be ratified and effectively implemented as a matter of urgency.

25. Mr. Rodríguez Cuadros (Vice-Chairperson) took the Chair.

26. Ms. FREY said that, according to the United Nations Children's Fund (UNICEF), over 12 million children under the age of 5 would die in 2000 from preventable diseases. Children in developing countries were particularly hard-hit by diseases linked to poverty. The mortality rate for children under the age of 5 was six times higher in the developing countries than in the industrialized countries.

27. Generally speaking, the mortality rate in all countries was higher for children from disadvantaged groups, including ethnic or racial minorities. In the United States, for example, the child mortality rate was twice as high among black children as among white children. In some countries, the preference for sons could also lead to a higher mortality rate among girls than boys. Extreme poverty, unbalanced macroeconomic policies, the debt burden and globalization could exacerbate those inequalities if vigorous measures were not taken to remedy them.

28. Child mortality was not only a tragedy, but also a violation of human rights, as stressed by the United Nations Development Programme (UNDP) in its Human Development Report. Whereas there was outrage at the torture of a single person, the death - the preventable death - of over 30,000 children every day went unnoticed.

29. Sub-Commission studies on extreme poverty, the right to adequate food and housing, globalization, access to drinking water, and the impact of economic sanctions on the health and survival of children certainly shed light on child mortality. Attention should now be focused on States' obligation to guarantee the rights that protected children's health and survival. Those rights, as stressed by Minnesota Advocates for Human Rights in its 1998 report on global child survival, were freedom from discrimination, the right to life, the right to health, the right to an adequate standard of living and the right to education.

30. States must be asked to eliminate the huge disparities in child survival rates between ethnic groups by ensuring there was no discrimination in programmes for access to housing, food, water and health care, whether public or private. As requested by treaty bodies such as the Committee on the Rights of the Child, States should also prepare statistics on child mortality disaggregated by region and ethnic group so that progress in combating the disparities could be assessed.

31. She hoped that the Sub-Commission would consider the impact on child survival of the issues it would be studying, including globalization, and that child survival would be a centrepiece at the social forum to be organized shortly.

32. Ms. KOSO-THOMAS (Transnational Radical Party) said that female genital mutilation had been practised in Africa for centuries. It was generally carried out by elderly women whose sight was failing, using rudimentary, unsterilized instruments. The secrecy surrounding the practice and its extremely serious physical and psychological effects had long been jealously guarded.

33. The weight of tradition and social pressure explained why it was so difficult to eliminate the practice. Women who condemned it could be ostracized or even violently attacked.

34. In places where the practice of female genital mutilation was widespread, the whole population needed to be sensitized. Pressure should also be put on members of parliament to pass laws prohibiting the practice, and religious and other leaders must be persuaded to ensure that the laws were actually applied. Alternative employment should also be provided for practitioners, and young people should be given the means to access relevant information on the practice.

35. Mr. BAUMGARTNER (International Educational Development) expressed concern over the campaigns to dissuade HIV-positive mothers from breastfeeding their children on the grounds that HIV could be transmitted through their milk. The campaigns were supported by baby food manufacturers. It should not be forgotten that the World Health Organization (WHO), UNICEF and the United Nations Educational, Scientific and Cultural Organization (UNESCO) were in favour of breastfeeding. Moreover, there was no proof that the children of HIV-positive mothers would be in better health if they were not breastfed. In addition, it had been shown that the symptoms attributed to HIV could be due to other causes and the so-called screening tests for HIV were in fact unable to tell whether there was an HIV infection.

36. The right to adequate food was established in several international human rights instruments. Any Government that prohibited HIV-positive mothers from breastfeeding their children would therefore be violating that right. Moreover, in June 1998, WHO, UNICEF and the Joint United Nations Programme on HIV/AIDS (UNAIDS) had stated that they would continue to encourage breastfeeding as the best way to feed babies whose mothers were HIV-negative or who did not know their HIV status.

37. Given that HIV had not been properly isolated and, hence, that it was impossible to be certain that someone was really infected by the virus, which was alleged to be the cause of AIDS, all babies should be exclusively breastfed for at least the first six months of their lives. It was also necessary to ensure that the International Code of Marketing of Breast-Milk Substitutes was not violated on the pretext of combating AIDS.

38. Ms. SRIVASTAVA (International Institute for Non-Aligned Studies) said that at least 120 million children between the ages of 5 and 13 were working full-time in the developing countries, mostly in dangerous conditions and as virtual slaves. It should be recognized that that appalling situation was the result of social discrimination, economic exploitation and the lack of education, and that it could be gradually eliminated. The adoption in 1999 by the International Labour Organization (ILO) of the Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour was a first step in that direction.

39. In order to combat child labour, measures must also be taken to help poor families, so that they were no longer forced to send their children out to work. Such measures could include, for example, employment generation schemes or credit facilities.

40. It was also necessary to launch public awareness campaigns on the worst forms of child labour, mobilize students and involve religious leaders in the campaigns.

41. If States wished to ensure the physical, psychological and moral integrity of children, it was imperative that they give priority to the implementation of ILO Convention No. 182.

42. Mr. KHAN (World Federation of Trade Unions) said it was gratifying that most countries had ratified the Convention on the Rights of the Child but in many parts of the world the rights of a large number of children were still not guaranteed or protected.

43. Although articles 12 and 13 of the Convention established children's right to express their views freely and their right to freedom of expression, those rights were still denied to many of them. In Pakistan, for instance, where there was no federal law on compulsory education, the educational system was in disarray and studies showed that only 70 per cent of children under the age of 12 went to school and that less than half completed primary school. Moreover, children were illegally confined in many madrasas (religious schools) in deplorable sanitary conditions. A nine-year-old boy had been found dead on 23 September 1997 after trying to escape from a madrasa near Multan. Even more seriously, thousands of madrasas were training teenagers in how to handle weapons and explosives and were turning them into brainwashed terrorists intent on killing innocent people in Kashmir and Afghanistan. The Taliban were the products of such institutions.

44. In State-run schools, where Islamic studies were compulsory for all Muslim children, teachers forced many non-Muslim pupils to follow Islamic studies. In higher education, academic freedom was under threat as a result of the atmosphere of violence and intolerance fostered by armed student organizations with ties to political parties, which threatened other students, teachers and administrators.

45. Ms. KABIR (Association pour la promotion de l'emploi et du logement) said that for at least two generations Afghanistan had known only murder, violence, rape, prostitution, suicide, etc., thanks to the fundamentalists. Those acts of violence had gradually been turned systematically against women and children. Since war broke out after the Soviet invasion, the population, particularly the children, had been the main victims of the fighting. Thousands of children had been orphaned when the fundamentalists had killed their parents and destroyed their homes. Moreover, the number of street children, or, to be more exact, "garbage children", was increasing daily. According to various sources, since the Taliban had come to power, children's right to life, health and a decent standard of living that would ensure their all-round development had been seriously jeopardized. Young children's chances of survival were less than they had been 10 years earlier. Children as young as four were contributing to the family income by begging or working in factories. Young people, particularly girls, suffered from serious psychological problems. Moreover, the Taliban were teaching Afghan children that people from other religions were the enemies of Islam, that there could be no peace with the Jews and that democracy was their enemy. That kind of thinking would certainly not help establish world peace.

46. Ms. BLOEM (World Federation of Methodist and Uniting Church Women) said that her organization's mission was to address the root causes of gender inequality so that boys and girls could enjoy on an equal basis the rights enshrined in the Convention on the Rights of the Child.

47. In 1995, in the Beijing Platform for Action, Governments had pledged to eliminate all forms of discrimination against girls. Five years later, according to a recent study, gender-based violence was on the increase almost everywhere. In armed conflicts, girls were systematically raped, abducted and murdered. Infanticide, female genital mutilation, honour killings and other heinous crimes were often condoned by society. Moreover, research confirmed that the proportion of girls infected by HIV/AIDS was much higher - sometimes five times higher - than that of boys.

48. Girls were also exploited at work and were often underpaid. Trafficking in young girls for the purposes of sexual or economic exploitation was also on the increase. Despite ILO Convention No. 182 on the worst forms of child labour, girls would continue to be exploited if nothing was done. In that connection, the Plan of Action for the Elimination of Harmful Traditional Practices Affecting the Health of Women and Children adopted by the Sub-Commission (E/CN.4/Sub.2/1994/10/Add.1 and Corr.1) was a blueprint for action to combat discrimination against girls. She therefore urged Governments to implement it. She also strongly endorsed Sub-Commission resolution 1999/13 and the new draft resolution on the elimination of traditional practices affecting the health of women and girls, particularly the proposal to hold three seminars in Africa, Asia and Europe on the issue.

49. Mr. OWONA (International Young Catholic Students) said that the young people of today had the feeling that they were not taken into consideration in decision-making processes at either the national or international level. At the international level, the decisions, whether on structural adjustment programmes or embargoes, were taken with total disregard for the future of young people.

50. At the national level, children continued to be used as child soldiers in armed conflicts and young people found it increasingly difficult to find a decent job. In most developing countries, children had several jobs and were generally underpaid and over-exploited. In the democratic countries, there had been a considerable increase in xenophobia, fuelled by political leaders, among young people. The sale of children, child prostitution and child pornography were becoming commonplace and no international standard was able to protect children.

51. It was therefore necessary to involve young people in decision-making at both the national and the international level. All young people, not only those belonging to indigenous communities or minorities, had to be taken into consideration. Otherwise, what would become of the efforts of the international community? He requested the Sub-Commission to include the item on children's rights on the agenda of its forthcoming sessions; to appoint an expert especially to deal with the problems of children and young people; to set up a working group on the issue of children and young people; and to adopt a resolution calling on States to sign and ratify the two optional protocols to the Convention on the Rights of the Child relating to the involvement of children in armed conflicts and to the sale of children, child prostitution and child pornography.

52. Ms. HAMPSON said that HIV/AIDS was rampant in Africa and that the epidemic was also spreading in many other regions. AIDS had left thousands of orphans to be raised by grandparents or other family members, who often lived in extreme poverty. Many of those children were HIV-positive. Neither families nor Governments had the means to prolong the life of HIV-positive persons.

53. However, with political will and the help of donor countries, one group of persons could be spared the disease. There was a medicine, Zidovudine (AZT), which could prevent HIV-positive mothers from transmitting the virus to their children during pregnancy or after birth. Those children could then live long enough to benefit from the preventive programmes that some States had begun to set up. Donor countries, beneficiary countries, United Nations specialized agencies, NGOs and the pharmaceutical industry, particularly the Glaxo Wellcome group, must therefore cooperate. She hoped that such cooperation would soon come about.

54. Mr. MTHOBI (Pax Romana) said that although children and young people accounted for around 40 per cent of the world population, they had tended to be neglected by the United Nations system. And yet the contribution of young people to change in the world had been fundamental, as in the cases of Indonesia, where students had helped overturn the Suharto dictatorship, the Republic of Korea or South Africa during the apartheid era. It was by promoting the education and political participation of young people and by creating jobs for them that the realization of their economic, social and cultural rights would be brought nearer.

55. The education of young people was a key factor in several areas, including development. Unfortunately, it had to be admitted that more and more young people found themselves not only without a home but also excluded from the school system, especially in Africa, because they could not afford school fees.

56. The Sub-Commission should draw the attention of the Commission on Human Rights to that point and should call on it to be proactive in the education of young people. Unemployment was not only an obstacle to the realization of young people's rights, but also a challenge for society as a whole. According to ILO, there were over 60 million unemployed young people. In her opening address, Ms. Robinson had encouraged Governments to develop strategies to reduce joblessness among youth. Governments could only do that if they devised, with the help of the international financial institutions, development strategies with a human face.

57. NGOs, Governments and United Nations agencies could only benefit from more active participation by young people in all areas and at all levels of decision-making. In that respect, UNICEF stressed that it was vital to encourage young people to participate in their own communities and in civil society if their right to development was to be protected and their rights observed.

58. In that context, he recommended that the Sub-Commission should undertake a study to determine what impact globalization had on young people. He also hoped that young people would be given a greater role in the human rights mechanisms, including in the work of the Sub-Commission, and that more youth NGOs would be accredited to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

59. Mr. MAEDA (Asian Women's Human Rights Council) said that for the past seven years his organization and other NGOs had been raising the issue of the fundamental rights of Korean children in Japan in international forums. However, although Japan was a democratic country, the Japanese Government did not want the issue to be considered. Nevertheless, in the previous 10 years over 200 cases of violations of the rights of Korean children in Japan had been recorded. The cases often involved violence against Korean schoolchildren dressed in their national costume ("chima chogori").

60. In Japan, Korean schoolchildren's right to learn about their own culture and history was not recognized. Even when they had the necessary qualifications, Korean students were not allowed to take the entrance examinations for State universities, because of the Japanese Government's discriminatory policy. Moreover, Korean children could not use their Korean name but had to have a Japanese name. The situation was no accident; it merely reflected Japan's history and its current political environment.

61. Various United Nations committees had recently made recommendations to the Japanese Government. In 1998, for instance, the Committee on the Rights of the Child had said it was "particularly concerned about unequal access by children of Korean origin to institutions of higher education and the difficulties encountered by children in general in exercising their right to participate ... in all parts of society, especially in the school system" (CRC/C/15/Add.90, para. 13). The Committee had also recommended that "discriminatory treatment of minority children, including Korean and Ainu children, be fully investigated and

eliminated whenever and wherever it occurs" (CRC/C/15/Add.90, para. 35). As the Japanese Government continued to ignore those recommendations, he called on the Sub-Commission to keep the question under review.

62. Ms. Motoc resumed the Chair.

63. Ms. GRIGORE (International Save the Children Alliance) said that the current situation of the Roma children in Romania was the direct consequence of six centuries of slavery. Since the abolition of slavery in 1856, the authorities had continued their unequal treatment of the Roma in the civil, social and political spheres. The Roma had been recognized as a national minority since 1990, but the Romanian State had not taken any steps to restore their rights to them. Insofar as the authorities had done nothing to combat racial discrimination against the Roma, it could be stated that racial discrimination was institutionalized in Romania.

64. The autarchic educational system, which was based on a deliberate assimilation policy, did not allow Roma children to reach their full potential and did not recognize their right to cultivate their ethnic identity. Thus, Romany was not taught in Romanian schools and Roma history was passed over in school courses. The only way for Roma children to receive an education was to give up their ethnic identity, since the school system recognized almost exclusively the Romanian cultural model. In those conditions, the Roma movement in Romania had clearly opted for building a nation on a non-territorial basis.

65. She called on the Sub-Commission to recommend that the Romanian Government should take the following measures, among others: sign the various international agreements and take measures in accordance with international law; include provisions in domestic legislation to prohibit discrimination in education; set up a partnership on an equal footing between the Roma representatives and the authorities to ensure that the Roma took an equal part in preparing and evaluating education policies; support, including by making the necessary credit available, an educational system that took the Roma into consideration (multicultural programmes, the building of crèches in Roma communities, primary school education in Romany, etc.); and support intercultural education (a national campaign to combat racial discrimination in schools, the adoption of multicultural curricula and the preparation of teaching materials on Roma history and culture, etc.).

66. Ms. MAURIN (North-South XXI) said it was astonishing that, in a world of dazzling technological progress, children and young people could be under such pressure and subject to all kinds of violence. In Africa, thousands of children had been orphaned as a result of the genocide in the Great Lakes region. In Liberia and Sierra Leone, the phenomenon of child soldiers persisted. In Iraq, there had been an unprecedented increase in child mortality since the embargo had been imposed on the country in 1992. In the poorest countries, children were struck down by sickness and endemic diseases and the lack of means to halt the progress of the AIDS virus was one of the root causes of the increase in mortality in those countries. In some cities in Latin America, children were often the victims of urban violence and poverty. In the developed countries, children and teenagers were often at risk from paedophiles.

67. She questioned the lack of political will by Governments but noted that countries like Cuba, the Democratic People's Republic of Korea and China, which had been accused by the United States of not respecting human rights, had invested a great deal in young people despite the economic boycott often imposed on them.

68. Lastly, she gave some figures on the exploitation of children at work, a phenomenon that was contrary to the provisions of the Convention on the Rights of the Child and which affected not only the countries of the South but also the United States, France and Great Britain. She believed that the social advancement of children and the full realization and protection of their rights would be brought about by promoting other basic rights such as trade union rights and social, economic and cultural rights.

69. Ms. SHAH (World Muslim League) referred first of all to the deplorable situation in Jammu and Kashmir, where children and women suffered torture, sexual abuse and other degrading and inhuman treatment, all as part of the "psychological war" being waged by the Indian authorities to discourage Kashmiris from protesting against the occupation. The systematic persecution of children destroyed the very fabric of a society. Psychologically impaired children could not become responsible citizens, especially when they were treated little better than animals by the Indian occupying forces. After citing article 37, paragraphs (a) and (b), of the Convention on the Rights of the Child, she said that the international community had a duty to liberate the children of Jammu and Kashmir before an entire generation was sacrificed.

70. Mr. GRAVES (Interfaith International) said that in Pakistani-occupied Kashmir, young people were deprived of their right to education and to work and were condemned to doing any job at all in order to survive. Unemployment was very high among young people, who were treated like second-class citizens. Hundreds of thousands of young people from Pakistani-occupied Kashmir had been forced to leave their homes and go to work in foreign countries as labourers in order to earn their living and to be able to send some money to their families.

71. What was worse, when the Pakistani army had made an incursion into Indian territory at Kargil in May 1998, the young soldiers of the Northern Light Infantry had been used as cannon fodder for the Indian army. Over 900 young people from the region had died and over 1,000 had become disabled.

72. Mr. LEBLANC (Franciscans International), speaking also on behalf of Dominicans for Justice and Peace, said that the economic sanctions against Iraq were still in force 10 years after they had been ordered by the United Nations and claimed new victims among children every day. Because of the embargo, the provisions in the Convention on the Rights of the Child remained a dead letter. He recalled that the Secretary-General of the United Nations had told the Security Council, in March 2000, of his deep concern about the moral legitimacy of the role of the United Nations in that crisis, and had been particularly touched by the fate of the Iraqi children, who were the main victims of the sanctions regime.

73. He called on the international community to do its utmost to put an end to the sanctions so unjustly inflicted on the children of Iraq and to ensure that the minimum standards of international humanitarian law were met as far as those children were concerned.

74. Mr. AMAT FORÉS (Observer for Cuba) said that Governments needed urgently to honour the commitments entered into at the 1990 World Summit for Children. Having been actively involved in drafting the two optional protocols to the Convention on the Rights of the Child, his delegation considered it vital that Governments should commit themselves to making those two instruments truly effective.

75. He stressed that the tragic fate of the thousands of children who did not enjoy their rights was simply the outcome of an unjust economic and political order imposed by the powerful, which had now become globalized and which was becoming more and more intolerable.

76. His Government was pleased to have achieved the objectives set at the World Summit. Despite the economic blockade, it had never, and never would, spare any efforts in ensuring that every Cuban child had access to all-round development, that no school, nursery or hospital was closed and that all children and all young people had a classroom and a teacher. In Cuba there was one teacher for every 42 inhabitants and in the past 40 years excellent doctors and paramedics had been trained. The latter not only attended to the health of Cuban children but also helped countries in Asia, Africa and Latin America to improve their child health services. The child and maternal mortality rates in Cuba were in the same range as those in the most developed countries in the world and its vaccination programmes had reached a level matched by few countries in the world.

77. Mr. HARAJ (Observer for Iraq) spoke of the humanitarian tragedy afflicting Iraqi children as a result of the global sanctions imposed on Iraq, which had led to a great shortage of the resources needed for survival. In April 2000, the deaths of 586 children had been recorded and the general situation of children, including with regard to health and food, had deteriorated further. In addition, the use of depleted uranium against Iraq in 1991 had led to cases of nervous disorders or cancer in children.

78. He acknowledged that the Sub-Commission had done much to reveal how serious the situation of women and children in Iraq was as a consequence of maintaining the sanctions. Information on the subject could also be found in various reports, particularly the one by UNICEF in July 1999. UNICEF had pointed out that the embargo made it impossible for children to receive an education and fulfil their potential and that the mortality rate was high among children under the age of 5. The UNICEF representative in Baghdad, speaking before the Third Committee, had gone through the results of a survey carried out by UNICEF together with WHO and Iraq and had requested the United Nations to speed up the process of approving the contracts relating to humanitarian goods and foodstuffs and the draft agreement for the purchase goods needed by children.

79. His Government had analysed all the outstanding problems and had decided to focus on the right of children to, in the first place, survival and, after that, development.

80. While the international organizations were carrying out a thorough evaluation of the follow-up to the 1990 World Summit for Children, Iraqi children were facing the threat of collective genocide. It was regrettable that one of the main organs of the United Nations should provoke a serious humanitarian catastrophe and loss of human life. Its action was a violation of the provisions of the Charter and of international humanitarian law, and a crime against humanity that should be denounced in an international court.

81. Mr. MIRIAN (Observer for the Islamic Republic of Iran) referred to the recent UNICEF report entitled The State of the World's Children 2000, in which it was noted that, as compared with 1990, when the World Summit for Children was held, there had been improvements in many areas - access to safe water, sanitation, food, education and immunization - which had led to the survival of more children. However, progress was too slow. While over the past 20 years the world economy had grown exponentially, the number of people living in poverty had increased, reaching 1.2 billion, including at least 600 million children. The fact that hundreds of millions of children went hungry, about 55 million children between the ages of 5 and 11 were working in hazardous conditions and 2 million children had been killed and a further 6 million injured in armed conflicts in the last decade stripped the many declarations supporting children's rights of all credibility.

82. The Islamic Republic of Iran had become a party to the Convention on the Rights of the Child in March 1994 and, in a recently published report, UNICEF had acknowledged that it had achieved most of the goals set by the World Summit for Children. His Government had indeed taken some noteworthy measures to improve living conditions for children; for example, it spent over 20 per cent of its annual budget on health, education, social security and services for children, including the establishment of a basic health-care system and a network of primary and secondary schools throughout the country. In addition, the minimum age for voting in local, parliamentary and presidential elections had been set at 16.

83. His Government firmly believed that school was not the only place where children learned; the environment was also very important in that respect. That was why it was so important for different sectors of society and the Government to provide children with a healthy environment.

84. Mr. Kang-il HU (Observer for the Republic of Korea) said that his Government was preparing to sign the two optional protocols to the Convention on the Rights of the Child. The two protocols, together with ILO Convention No. 182 on the worst forms of child labour, were important instruments for protecting children.

85. He drew attention to the particularly worrying problem of AIDS, which in some societies had drastically lowered life expectancy, threatened the social cohesion of families and led to economic hardship. AIDS had increased child mortality, jeopardized children's education and led to an upsurge in discrimination. The fight against AIDS should remain a priority at the global level.

86. The question of protecting children in armed conflicts should also remain one of the basic concerns of the international community as it affected a whole range of problems, such as the systematic sexual abuse of girls, the spread of AIDS, the difficulty in guaranteeing children's

right to education in emergencies and in the case of displaced children and refugee children. In that context, he welcomed the Canadian Government's initiative to hold the International Conference on War-affected Children from 11 to 17 September 2000 in Winnipeg, Canada. He also hoped that the special session of the United Nations General Assembly on the follow-up to the World Summit for Children, due to take place in September 2001, would serve not only to review the situation but also to draw up plans of action to ensure the full realization of the rights of the child.

87. In conclusion, he stressed the important role played by civil society in the implementation and evaluation of the Summit goals. In that regard, he welcomed the personal efforts of Mr. and Mrs. Nelson Mandela to organize a global partnership of leaders representing the whole of civil society.

88. Mr. KHAN (Observer for Pakistan) said that the most notable developments in regard to children's rights in Pakistan had been in the fields of juvenile justice and the elimination of child labour. With regard to child labour, he recalled that the Sialkot project launched in 1997 had made it possible to end the practice of employing children to manufacture soccer balls. Moreover, at the Pakistan Convention on Human Rights and Human Dignity, held in Islamabad in April 2000, it had been announced that the Sialkot project would be extended to other sectors such as carpet-weaving and the manufacture of surgical instruments. At the same time, a national plan to eliminate child labour had been adopted, with the aim of gradually eliminating child labour in all sectors, putting an immediate stop to the worst forms of child labour and ensuring that all children received a certain level of education. The plan involved the entire Government in an attempt to mobilize civil society, which had an important role to play in its implementation. The Government also hoped to be able to ratify ILO Convention No. 182 on the worst forms of child labour. However, it was regrettable that the consumers and retailers who had boycotted Pakistani products because of child labour were not prepared to pay the higher prices involved in eliminating child labour. As The Economist had pointed out, overall family incomes in Pakistan had fallen by 20 per cent for that reason.

The meeting rose at 1 p.m.